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A-409

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TO

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Department of State

FROM

Amembassy LIMA

DATE: Nov. 20, 1972

SUBJECT

Territorial Airspace of 150 Kilometers

REF

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Javier BALLON-LANDA Córdova, an Arequipa lawyer, has proposed that nation-states establish "maximum jurisdiction" over the airspace above their national territories and seas up to a distance of 150 kilometers. Ballón-Landa's proposal was reported in La Prensa of Lima of November 15. The lawyer gave no particular rationale or justification of why he chose the figure of 150 kms. as the upper limit of the territorial airspace. He did indicate that the thesis that national jurisdiction should extend to a point in space where the force of gravity disappears (about 240,000 kms.) is impractical because of artificial earth satellites with orbits that might violate national airspace sovereignty and create legal and other obstacles to the development of space science.

With respect to the legal régime for airspace beyond the "volume" of national sovereignty, Ballón-Landa proposes the creation of a special organization, or possibly an agency of the United Nations, to supervise a system that would assure the utilization of outer space in benefit of all mankind.

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COMMENT: A generation ago Peruvian claims over a 200-mile territorial sea appeared grossly exaggerated and unlikely to gain adherents. The strong defense which Peru is presently making of the 200-mile doctrine may have prompted Ballón-Landa into making his statement in a related subject. He, incidentally, is the son of a Peruvian Supreme Court Justice who has mentioned to the Embassy that his son seeks to specialize in space law and is interested in learning whether NASA and other educational institutions in the United States are developing that aspect of the legal profession.

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